

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

Cynthia L. Jenkins, Sandra Logue, and
Ada Howard, On Behalf of Themselves
and All Others Similarly Situated,

Plaintiffs,

vs.

General Collection Co., Mark D. Stelk, &
Richard E. Gee,

Defendants.

Case No. 8:06-CV-743

**STIPULATION FOR
ORDER FOLLOWING
SETTLEMENT**

The parties to this action by their respective counsel hereby stipulate as follows:

1. That the parties have reached a compromise resolution of all disputed claims in this lawsuit, except for Plaintiffs' claims for attorneys' fees and costs. The specific settlement terms are set forth in a separate document executed by all parties is attached hereto. Defendants do not admit any liability, and all liability is denied.

2. That by agreement of the parties the Plaintiffs shall move for their reasonable attorneys' fees and costs as provided for under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (FDCPA), pursuant to 15 U.S.C. § 1692k(a)(3), and the Nebraska Consumer Protection Act, Neb. Rev. Stat. § 59-

1601 et seq. (NCPA). Plaintiffs' motion shall be submitted as outlined by the procedures set forth in Fed.R.Civ.P. 54(d) within thirty (30) days of the court's entry of an order approving this stipulation.

3. In the event any court finds that the terms of the settlement agreement attached hereto are an insufficient basis for the award of Plaintiffs' attorneys' fees and costs, the parties agree that the Plaintiffs may enforce only the award of fees in a court of competent jurisdiction, or at Plaintiffs' option, may declare that no settlement has been reached and resume litigation in federal court.

4. For purposes of Plaintiffs' motion for attorneys' fees and costs, Defendants will not raise as a defense to the motion, or on appeal of the district court order awarding attorneys' fees and costs, any argument that Plaintiffs are not "prevailing parties" under the FDCPA and the NCPA in this lawsuit.

Dated this ____ day of April 2009.

Cynthia L. Jenkins, Sandra Logue and
Ada Howard, On Behalf of Themselves and
All Others Similarly Situated, Plaintiffs,

By:



William L. Reinbrecht, #20138

Pamela A. Car, #18770

Car & Reinbrecht, P.C., LLO

8720 Frederick Street, Suite 105

Omaha, NE 68124

1 (402) 391-8484

1 (402) 391-1103 - Fax
E-mail: pacwlr@earthlink.net

O. Randolph Bragg
Craig M. Shapiro
Horwitz, Horwitz & Associates
25 East Washington Street, Suite 900
Chicago, IL 60602
1 (312) 372-8822
1 (312) 372-1673 - Fax

Charles M. Delbaum
National Consumer Law Center
77 Summer Street, 10th Floor
Boston, MA 02110-1006
1 (617) 542-8010
1 (617) 542-8028 - Fax
Attorneys for the Plaintiffs

General Collection Co., Mark D. Stelk, &
Richard E. Gee, Defendants,

By: 

Michael A. Klutho
Christopher R. Morris
BASSFORD REMELE
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402-3707
1 612 333-3000

John A. Svoboda
GROSS & WELCH, P.C., LLO
1500 Omaha Tower
2120 South 72nd Street
Omaha, NE 68124
1 402 392-1500
Attorneys for Defendants General

Collection Co. and Mark D. Stelk

By: 

Galen E. Stehlik

Lauritsen, Brownell, Brostrom, Stehlik,

Meyers & Daugherty, P.C., LLO

724 W. Koenig Street

P.O. Box 400

Grand Island, NE 68802

Attorneys for Defendant Richard E. Gee

Certificate of Service

I hereby certify that on ~~April~~ July 3, 2009, I electronically filed the foregoing with the Clerk of court using the CM/ECF system which will send notification of such filing to the following:

John A. Svoboda

GROSS & WELCH, P.C., LLO

1500 Omaha Tower

2120 South 72nd Street

Omaha, NE 68124

Michael A. Klutho

Christopher R. Morris

BASSFORD REMELE

33 South Sixth Street, Suite 3800

Minneapolis, MN 55402-3707

Galen E. Stehlik

Attorney at Law

724 W. Koenig Street

P.O. Box 400

Grand Island, NE 68802

And I hereby certify that I have mailed by United States Postal Service the

document to the following non CM/ECF participants: None.



William L. Reinbrecht, #20138

Car & Reinbrecht, P.C., LLO

8720 Frederick Street, #105

Omaha, NE 68124

(402) 391-8484

Fax: (402) 391-1103

E-mail: pacwlr@earthlink.net